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10/811,718	03/29/2004	Yann Le Gal	790_024	1423
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			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,718

Applicant(s)

LE GAL ET AL.

Examiner

Lester L. Vanterpool

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>January 27, 2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sason (European Patent Number 0628265 A1). Sason discloses the rucksack (100) back (See Figure 4) on which the carrying harness (106) is positioned (See Figure 4), characterized in that it comprises two positional adjustment (column 10, line 40 - 42) and control means (115 & 122) established with the aid of remote manual controls (118 & 124) that are autonomous in relation to one another and allow the position of the rucksack (100) back (See Figure 4) to be adjusted in relation to the carrying harness (106), the first means (118) enables the rucksack (100) back (See Figure 5) to be raised in relation to the harness (106) (column 12, line 4 – 8), and the second means (124) enables the rucksack (100) back (See Figure 6) to be lowered in relation to the harness (106) (column 12, line 4 – 8), in order to adapt the dimensions of the rucksack (100) back (See Figures 5 & 6) to the back of the wearer and to modify the bearing zones while walking so as to limit and reduce any possible injuries, and in that the rucksack (100) back (See Figures 4 - 6) is designed to accommodate an endless belt (110)

arranged in its central longitudinal plane (See Figures 4 & 11), the belt (110) is secured by the strand to the carrying harness (106) and allowing the relative displacement of the rucksack (100) back (See Figures 4 & 11) in relation to the harness by either or both of the positional adjustment and control means (118 & 124), and in that the locking mechanism (166) urged by the second control means (124) acts and allows the endless belt (110) to be positionally immobilized or released according to the desired displacement phases.

Regarding claim 2 as stated above, Sason discloses the first adjustment means (M1) comprises a nonelastic traction cable (115) (See Figures 4 – 7), the first end (See Figure 11) of which is situated in the bottom part of the rucksack (100) back (See Figure 11), on one side of the latter, the other end (See Figure 11) having the grab ring or loop (118) and in that said fixed end (See Figure 11) is in fact likewise positioned in the bottom part of the rucksack (100) back (See Figures 4 – 6 & 11) but at the opposite side from the first end (See Figure 11), and in that the deflection means (116) positioned fixedly in the central bottom part of the carrying harness (106), allowing the cable (115) to pass through and travel around (See Figures 7 & 11).

Regarding claim 6 as stated above, Sason discloses second means (M2) (See Figures 4 – 7 & 11) comprises the second control means (122) consisting of the traction cable (122), this cable being noteworthy in that, at its lower end (See Figures 4 – 7 & 11), it is associated with the second pull ring (124) and, at its upper end (See Figures 4

– 7 & 11), it is associated with the mechanism (116) to positionally lock and immobilize the belt (112).

Regarding claim 7 as stated above, Sason discloses the second control cable (122) is associated with the locking mechanism (148), which can act on the aforementioned belt (110 & 112) in order to allow or prevent the displacement of the latter under certain conditions (column 12, line 4 – 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sason (European Patent Number 0628265 A1) in view of Askins (U.S. Patent Number 4801136). Sason discloses the invention substantially as claimed. Sason discloses in order to prevent the cable from hanging loose, provisions is made to retain it by arrange it between parts of the cable. See Figure 11.

However, Sason does not disclose using one or more elastic tension strands arranged between parts of the cable in order to form the coiled configuration.

Askins teaches one or more elastic tension strands (14) arranged between parts of the cable (12) in order to form the coil configuration (See Figure 1) for the purpose of providing safety.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make one or more elastic tension strands arranged between parts of the cable as taught by Askins with the rucksack of Sason in order to enhance safety products.

5. Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sason (European Patent Number 0628265 A1) in view of Busch (German Patent Number DE3843597). Sason discloses the invention substantially as claimed.

However, Sason does not disclose the endless belt is kept in tension, but is free to run around and is positioned in relation to a first deflection means situated fixedly in the top part of the rucksack back, and in relation to a second deflection means situated fixedly in the bottom part of the rucksack back.

Busch teaches the endless belt (178) is kept in tension, but is free to run around and is positioned in relation to the first deflection means (730) (See Figures 3, 11 & 12) situated fixedly in the top part (180) of the rucksack back (See Figures 3, 11 & 12), and in relation to the second deflection means (See Figures 3, 11 & 12) situated fixedly in the bottom part (120) of the rucksack back (See Figures 3, 11 & 12) for the purpose of providing adaptability to accommodate various users confront levels.

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It would have been obvious to one ordinary skill in the art at the time the invention was made to make the endless belt kept in tension, but free to run around and positioned in relation to the first deflection means situated fixedly in the top part of the rucksack back, and in relation to the second deflection means situated fixedly in the bottom part of the rucksack as taught by Busch with the device to adjust the carrying position of a rucksack of Sason in order to accommodate various users comfort levels.

Regarding claim 5 as stated above, Busch discloses the lower second deflection means (194) (See Figures 3, 11 & 12) is situated either directly in the bottom part of the rucksack back (See Figures 3, 11 & 12) or an intermediate position while having configuration allowing the fastening of two connecting and retaining ties (176) (See Figures 3, 11 & 12) arranged in the V shape (See Figures 3 & 11) and fastened at in the bottom part (120) of the rucksack back (See Figures 3, 11 & 12) for the purpose of providing anchoring and security robustness.

It would have been obvious to one ordinary skill in the art at the time the invention was made to make the lower second deflection means situated either directly in the bottom part of the rucksack back or an intermediate position while having configuration allowing the fastening of two connecting and retaining ties arranged in the V shape and fastened at in the bottom part of the rucksack back as taught by Busch with the device to adjust the carrying position of a rucksack of Sason in order to enhance anchoring and security robustness.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sason (European Patent Number 0628265 A1) as applied to claim 7 above, and further in view of Busch (German Patent Number DE3843597) and Chou (U.S. Patent Number 5920963). Sason discloses the invention substantially as claimed.

However, Sason does not disclose the upper first deflection means to the belt is designed in the form of a clevis block which has a spindle over which the belt strand passes and which accommodates an additional horizontal spindle to receive an articulated immobilizing means constituting the locking mechanism, comprising a lever-forming tongue which has, in its central part, an annular element arranged around the aforementioned spindle, and in that said tongue extends on either side of the annular element, having a serrated profile which can come into contact with and press against the facing part of the belt, and an extension at the rear for attaching the end of the second control cable, and in that a return means of the hairpin spring type is mounted on the aforementioned annular element and tends tilt the tongue part so that there is always continuous contact with the belt.

Busch teaches the upper first deflection means (730) (See Figures 3 & 11) to the belt is designed in the form of a clevis block (See Figure 3) which has a spindle (See Figure 3) over which the belt strand (178) passes and which accommodates an additional horizontal spindle (See Figure 3) to receive an articulated immobilizing means (See Figure 3) constituting the locking mechanism (See Figure 3) for the purpose of providing adequate locking.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the upper first deflection means to the belt is designed in the form of a clevis block which has a spindle over which the belt strand passes and which accommodates an additional horizontal spindle to receive an articulated immobilizing means constituting the locking mechanism as taught by Busch with the rucksack of Sason in order to enhance locking functionality.

Chou teaches the lever-forming tongue (20) which has, in its central part, an annular element (See Figures 2, 3 & 5) arranged around the aforementioned spindle (See Figure 1), and in that said tongue (20) extends on either side of the annular element, having a serrated profile (See Figures 1 - 5) which can come into contact with and press against the facing part of the belt (See Figures 2 & 3), and an extension (See Figures 2 & 3) at the rear to attach the end of the second control cable (90) (See Figures 2 & 3), and in that the return means (21) of the hairpin spring type (16) is mounted on the aforementioned annular element and tends tilt the tongue part (20) so that there is always continuous contact with the belt (column 1, line 9 – 50) (See Figures 1 – 5) for the purpose of providing reliable lock and release functionality.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the lever-forming tongue which has, in its central part, an annular element arranged around the aforementioned spindle, and in that said tongue extends on either side of the annular element, having a serrated profile which can come into contact with and press against the facing part of the belt, and an extension at the rear for attaching the end of the second control cable, and in that the return means of

the hairpin spring type is mounted on the aforementioned annular element and tends tilt the tongue part so that there is always continuous contact with the belt as taught by Chou with the rucksack of Sason in order to ease users locking functionality.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sason (European Patent Number EP 0628265 A1) and Busch (German Patent Number DE3843597) as applied to claim 8 above, and further in view of Gleason (U.S. Patent Number 6179188). Sason and Busch disclose the invention substantially as claimed.

However, Sason and Busch do not disclose the rucksack back comprising the U-shaped tubular skeleton longitudinal branches constitute slide rails to guide the carrying harness in displacement, and the horizontal upper connecting part being able to accommodate the upper deflection means, itself accommodating the locking means, and in that the cable is fitted in one of the branches of the tubular framework so as to be guided until it connects with the locking mechanism, exiting via the opening formed in said upper part.

Gleason teaches the rucksack back (10) comprises the U-shaped tubular skeleton (See Figure 1) whose longitudinal branches (18 & 20) constitute slide rails to guide the carrying harness (34 / 38) in displacement (column 7, line 29 – 31) (See Figure 2), and the horizontal upper connecting part (22) is able to accommodate the upper deflection means (See Figure 1), itself accommodating the locking means (See Figure 1), and in that the cable (42) is fitted in one of the branches (24) of the tubular framework (10) so as to be guided until it connects with the locking mechanism (See

Figure 1), exiting via the opening formed in the upper part (See Figure 1) for the purpose of providing durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the U-shaped tubular skeleton whose longitudinal branches constitute slide rails to guide the carrying harness in displacement, and the horizontal upper connecting part is able to accommodate the upper deflection means, itself accommodating the locking means, and in that the cable is fitted in one of the branches of the tubular framework so as to be guided until it connects with the locking mechanism, exiting via the opening formed in the upper part as taught by Gleason with the rucksack of Sason in order to enhance product durability.

8. Claims 10 – 12 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sason (European Patent Number 0628265 A1) and Busch (German Patent Number DE3843597) as applied to claim 4 above, and further in view of Landy (U.S. Patent Number 6547218). Sason discloses the control means (118 & 124) (See figure 11). Busch discloses the upper deflecting means (See Figure 3) and the upper spindle to deflect the strap.

However, Busch does not disclose the clevis lock with, between the flanges, the lower spindle to fasten the connecting belt, and in that between the spindles there arranged the spindle around which pivotably mounted the locking mechanism established in the form of the lever which tilts against the action of an elastic return means, the lever being oriented so that it has the serrated profile in contact with and

pressing against the facing wall of the connecting belt, and an extension strip to offset the strap when the mechanism is not urged.

Landy teaches the clevis lock (100) with, between the flanges (106 & 108) (See Figures 1 & 2), the lower spindle (160) to fasten the connecting belt (142), and the upper spindle (138) to deflect the strap (See Figures 1 – 5) constituting the control means (See Figure 1), and in that between the spindles (138 & 160) there arranged the spindle (134) around which pivotably mounted the locking mechanism (See Figures 1 & 2) established in the form of the level (See Figures 1 – 5) which tilts against the action of an elastic return means (124), the level (See Figures 1 & 2) are oriented so that it has the serrated profile in contact with and press against the facing wall of the connecting belt (See Figure 2), and an extension strip (208) when the mechanism is not urged (See Figures 1 & 2) for the purpose of providing adequate locking reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the clevis lock with, between the flanges, the lower spindle to fasten the connecting belt, and the upper spindle to deflect the strap constituting the control means, and in that between the spindles there arranged the spindle around which pivotably mounted the locking mechanism established in the form of the level which tilts against the action of an elastic return means, the level are oriented so that it has the serrated profile in contact with and press against the facing wall of the connecting belt, and an extension strip when the mechanism is not urge as taught by Landy with the rucksack of Sason in order to enhance locking reliability.

Regarding claim 11 as stated above, Sason discloses another end (116) associated with the traction ring (118 & 124), the strap (116) passing around the locking mechanism (See Figure 11) and being arranged between the rucksack back and the rear strand of the connecting belt (110) when returning toward the ring (118 & 124) See Figure 11.

However, Sason does not disclose the strap having one end secured to the harness and the connecting belt.

Busch discloses the strap (178) having one end secured to the harness (124) and the connecting belt (See Figure 3).

It would have been obvious to one having ordinary skill in the art the time the invention was made to make the strap having one end secured to the harness and the connecting belt as taught by Busch with the rucksack of Sason in order to enhance wearable position.

Regarding claim 12 as stated above, Busch discloses the rucksack back (110) (See Figure 3) and the lower end of the connecting belt (164) are mounted around the spindle (See Figure 3) of the attachment in the form of the buckle (194).

However, Busch does not disclose the second spindle around which can be wrapped the band whose lower end is fastened.

Landy discloses the second spindle (160) around which can be wrapped the band whose lower end is fastened (See Figures 1 & 2) for the purpose of providing adequate locking reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second spindle around which can be wrapped the band whose lower end is fastened as taught by Landy with the rucksack of Sason in order to enhance locking functionality.

Regarding claim 14 as stated above, Landy discloses the spindle (160) to deflect the strap (142) having the convex or conical configuration, the width of said strap (142) being adapted to the profile of the spindle (160) for the purpose of providing structural integrity and durability.

It would have been obvious to one having ordinary skill in the art at the invention was made to make the spindle to deflect the strap having the convex or conical configuration, the width of the strap adapted to the profile of the spindle as taught by Landy with the rucksack of Sason in order to enhance structural integrity and durability.

However, Landy do not disclose allowing the strap to be oriented obliquely in relation to the endless belt.

Busch discloses allowing the strap (194) to be oriented obliquely in relation to the endless belt (178) (See Figure 3) for the purpose of providing wearable stability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the strap to be oriented obliquely in relation to the endless belt as taught by Busch with the rucksack of Sason in order to enhance users wearing comfort experience.

9. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Sason (European Patent Number 0628265 A1), Busch (German Patent Number DE3843597) and Landy (U.S. Patent Number 6547218) as applied to claim 10 above, and further in view of Chou (U.S. Patent Number 5920963). Sason, Busch, and Landy disclose the invention substantially as claimed.

However, Sason, Busch and Landy do not disclose the return means of the hairpin spring type is mounted onto the spindle to articulate the lever, and in that the spindle of the branch bears against a bearing wall formed by the deflection means, and the other branch bears against the rear face of the extension.

Chou teaches the return means (16) of the hairpin spring type is mounted onto the spindle (15) to articulate the lever (20), and in that the spindle (15) of the branch (23) bears against a bearing wall formed by the deflection means (See Figures 2 & 3), and the other branch (See Figure 2) bears against the rear face of the extension (12) for the purpose of providing locking durability

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the return means of the hairpin spring type is mounted onto the spindle to articulate the lever, and in that the spindle of the branch bears against a bearing wall formed by the deflection means, and the other branch bears against the rear face of the extension as taught by Chou with the rucksack of Sason in order to enhance locking durability.

10. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Sason (European Patent Number 0628265 A1), Busch (German Patent Number DE3843597), and Landy (U.S. Patent Number 6547218) as applied to claim 10 above, and further in view of Johnson (U.S. Patent Number 6293601).

Sason the strap (110) has it's end strand free (See Figure 11), with the narrowed end (See Figure 11) being coupled to the control handle of the means (122), the handle (124) being made in the form of the grab strip (124).

However, Sason does not disclose the elastomeric material. Johnson teaches handle being made in the form of the grab strip of elastomeric material (See claim 6) for the purpose of utilizing strong, durable and inexpensive material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the handle being made in the form of the grab strip of elastomeric material as taught by Johnson with the rucksack of Sason in order to utilize light inexpensive durable parts.

Allowable Subject Matter

11. Claims 16 & 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JES F. PASCUA
PRIMARY EXAMINER

LLV
May 1, 2006